

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSE CARLOS OLIVEIRA-
COUTINHO,

Petitioner,

vs.

SCOTT FRAKES, NDCS Director;

Respondent.

8:19CV491

MEMORANDUM AND ORDER

On December 2, 2021, the court directed Petitioner to file and serve his brief in response to Respondent's Answer and Brief in Support by December 20, 2021. (Filing 25.) On December 21, 2021, Respondent filed a Notice of Case Submission as no brief from Petitioner was received in this court on December 20, 2021. (Filing 26.) Subsequently, on December 23, 2021, Petitioner filed his Brief in Response to Respondent's Answer and Brief (filing 27) along with a declaration (filing 28) that he placed his brief in the prison's internal mailing system on December 20, 2021. The court will deem Petitioner's brief timely filed. *See United States v. Harrison*, 469 F.3d 1216, 1217 (8th Cir. 2006) ("Under the prison mailbox rule, a pro se pleading is deemed filed upon deposit in the prison mail system prior to the expiration of the filing deadline.") Accordingly,

IT IS ORDERED that: Respondent shall have until February 2, 2022, to file and serve a reply brief. The Clerk of Court is directed to set a pro se case management deadline using the following text: **February 2, 2022**: deadline for Respondent's reply brief.

Dated this 3rd day of January, 2022.

BY THE COURT:

A handwritten signature in blue ink that reads "Richard G. Kopf". The signature is written in a cursive, flowing style.

Richard G. Kopf
Senior United States District Judge